

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Marissa Carter, Evelyn Grys, Bruce Currier,  
Sharon Koning, Sue Beehler, Marsha Mancuso,  
and Jaclyn Cuthbertson, as individuals and as  
representatives of the classes,

Plaintiffs,

Case No.:6:14-CV-06275

vs.

CIOX Health, LLC f/k/a HealthPort Technologies,  
LLC, the Rochester General Hospital, the Unity  
Hospital of Rochester, and F.F. Thompson  
Hospital, Inc.,

Defendants.

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**DECLARATION OF KAI H. RICHTER IN SUPPORT OF PLAINTIFFS’  
MOTION IN OPPOSITION TO CIOX HEALTH, LLC’S  
MOTION FOR A PROTECTIVE ORDER AND TO QUASH**

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I, Kai H. Richter, declare and state as follows:

1. I am a partner with the law firm Nichols Kaster, PLLP, and am one of the counsels of record for Plaintiffs in the above-captioned matter.

2. I make this declaration in opposition to CIOX Health, LLC’s (“CIOX”) Motion for a Protective Order and to Quash.

3. Plaintiffs have conferred in good faith in an effort to resolve this dispute without the Court’s intervention.

4. On February 15, 2018, counsel for Plaintiffs (myself, Mark E. Thomson, Stephen G. Schwarz, and Kathryn Lee Bruns) and counsel for Defendants (Ms. Galvin and Aaron M. Saykin) met and conferred regarding CIOX’s objections to the Reel Notice, the Trerotola Subpoena, and certain other issues. During that conference call, I reiterated to CIOX’s counsel that Ms. Reel’s knowledge of

CIOX's accounting practices would constitute a substantial portion of her deposition, and that Plaintiffs seek to depose Mr. Trerotola solely as a fact witness. The parties resolved certain discovery issues during this meet-and-confer, but were unable to resolve issues relating to the Reel Notice and the Trerotola Subpoena.

5. Attached hereto are the following additional exhibits:

- **Exhibit 1:** Letter from CIOX's counsel, dated February 13, 2018;
- **Exhibit 2:** Document authored by Gregory Trerotola, bates numbered HEALTHPORT24524-24533.
- **Exhibit 3:** Document authored by Gregory Trerotola, bates numbered HEALTHPORT24385-24393.
- **Exhibit 4:** Letter from Plaintiffs' counsel to CIOX's counsel, dated Feb. 2, 2018.
- **Exhibit 5:** Screenshot of CIOX's website, <https://www.cioxhealth.com/about/leadership/lori-reel> (last visited Mar. 19, 2018).
- **Exhibit 6:** Agreement for Services between Smart Document Solutions, LLC (predecessor to CIOX) and Thompson Health, dated July 20, 2007.
- **Exhibit 7:** Agreement with Rochester General Health System, bates numbered CIOX0000094-101.
- **Exhibit 8:** Agreement with Unity Health System, bates numbered CIOX0000085-93.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Dated: March 19, 2018

/s/ Kai H. Richter

Kai H. Richter